

LABEL, IN PART: "Oysters Standards One Pint Net Pride of Chesapeake Bay * * * MD 51."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: October 4, 1954. Default decree of condemnation. The court ordered that the product be delivered to a public institution.

FRUITS AND VEGETABLES*

DRIED FRUIT

21729. Adulteration of raisins. U. S. v. 500 Cases * * *. (F. D. C. No. 36796. Sample No. 80027-L.)

LABEL FILED: May 18, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about April 8, 1954, by Peloian Packing Co., Inc., from Dinuba, Calif.

PRODUCT: 500 cases of raisins at New York, N. Y.

LABEL, IN PART: (Case) "30 Lbs. Net Weight Pel-Pak Brand Choice Golden Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs.

DISPOSITION: July 22, 1954. Peloian Packing Co., Inc., having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning under the supervision of the Department of Health, Education, and Welfare. On October 27, 1954, after it appeared that the reconditioning operations were unsatisfactory, an amended decree was entered, with the consent of the claimant, ordering that the product be destroyed.

MISCELLANEOUS FRUIT PRODUCTS**

21730. Adulteration of apple pomace. U. S. v. Speas Co. Plea of nolo contendere. Fine of \$250, plus costs. (F. D. C. No. 36654. Sample No. 90125-L.)

INFORMATION FILED: March 31, 1955, Western District of Missouri, against the Speas Co., a corporation, Kansas City, Mo.

ALLEGED VIOLATION: Between the approximate dates of November 23, 1953, and May 11, 1954, while a quantity of apple pomace was being held for sale after shipment in interstate commerce, the defendant caused the product to be placed in a building that was accessible to birds and caused it to be exposed to contamination by birds, which acts resulted in the product being adulterated.

*See also Nos. 21731, 21748, 21749.

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NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of contamination with bird excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 1, 1955. The defendant having entered a plea of nolo contendere, the court fined it \$250, plus costs.

VEGETABLES AND VEGETABLE PRODUCTS*

21731. Misbranding of canned peas, canned tuna, and canned pineapple. U. S. v. Max Factor. Plea of guilty. Defendant fined \$250 and placed on probation for 1 year. (F. D. C. No. 35193. Sample Nos. 73021-L, 73027-L, 73029-L, 73052-L.)

INFORMATION FILED: November 6, 1953, Eastern District of Pennsylvania, against Max Factor, Philadelphia, Pa.

ALLEGED VIOLATION: Between the approximate dates of June 1, 1952, and March 13, 1953, while a number of cans of peas and pineapple were being held for sale on the business premises of the defendant, after shipment in interstate commerce, the defendant caused the labels to be removed from a number of cans of peas and pineapple and caused a number of different labels to be affixed to such cans, which acts of removing and relabeling resulted in the relabeled peas and pineapple being misbranded.

In addition, on or about March 5 and 13, 1953, the defendant caused a number of cans of peas and tuna to be introduced into interstate commerce, which articles were misbranded.

LABEL, IN PART: (Cans of peas prior to relabeling) "Below Standard In Quality And Not High Grade Early June Peas"; (relabelled cans of peas) "Broadcast Brand Wisconsin Early June Peas Packed by Klindt-Geiger Canning Co., Cassville, Wis."; (cans of pineapple prior to relabeling) "Pineapple Tidbits In Heavy Syrup"; (relabelled cans of pineapple) "Climax Brand Sliced Pineapple"; (cans of tuna) "Max Factor Philadelphia, Pa. Distributor Bingo Brand Tuna."

NATURE OF CHARGE: Peas. Misbranding, Section 403 (a), the label statement "Packed by Klindt-Geiger Canning Co., Cassville, Wis." appearing on the relabeled cans of peas and on the cans of peas introduced by the defendant into interstate commerce was false and misleading since the peas in such cans were not packed by the Klindt-Geiger Canning Co., Cassville, Wis. Further misbranding, Section 403 (h) (1), the article purported to be and was represented as canned peas of a smooth-skin variety, a food for which a standard of quality had been prescribed by regulations, and the article failed to conform to such standard because of high alcohol-insoluble solids; and the label failed to bear a statement that the article fell below such standard.

Pineapple. Misbranding, Section 403 (a), the statement "Sliced Pineapple" appearing on the relabeled cans was false and misleading since the article was not sliced pineapple but was pineapple tidbits.

Tuna. Misbranding, Section 403 (a), the label statement "Tuna" was false and misleading since the statement represented and suggested that the article was tunafish, whereas the article was not tunafish but was another variety of fish, namely, bonita.

*See also Nos. 21735, 21748, 21749.